

Docket No.: 077567-0021 (MERLIN.003NP)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 31824
	:	
Leon RUDAKOV, et al.	:	Confirmation Number: 9222
	:	
Application No.: 10/580,139	:	Group Art Unit: 3773
	:	
Filed: May 19, 2006	:	Examiner: Dianne Dornbusch
	:	
For: A MEDICAL DEVICE	:	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUMMARY OF EXAMINER INTERVIEW ON OCTOBER 6, 2009

Dear Sir:

Applicant respectfully submits the following comments in connection with the above-captioned application.

Summary of the Interview begins on page 2 of this paper

Remarks begin on page 3 of this paper.

SUMMARY OF THE INTERVIEW

Exhibits and/or Demonstrations

A video and pictures were provided that demonstrate how the device works.

Identification of Claims Discussed

Claims 1–79 were discussed.

Identification of Prior Art Discussed

U.S. Patent No. 6,451,050, to Rudokov et al.

Proposed Amendments

Applicant's representatives James Hill and Todd Hales discussed "Amendment in Response to Office Action Dated May 1, 2009" ("Amendment"), filed September 1, 2009.

Principal Arguments and Other Matters

Matters discussed included amendments in the Amendment.

Results of Interview

It was agreed that the amended language overcomes the prior art of record, and the Examiner would need to consider the claims in view of an updated search.

REMARKS

Applicant would like to thank Examiner Dornbusch for the courtesies extended to Applicant's counsel, James Hill and Todd Hales, on October 6, 2009. On the basis of the interview and in view of the amendment filed on September 1, 2009, Applicants respectfully request reconsideration of the application.

CONCLUSION

If there are any remaining questions, the Examiner is cordially invited to contact the undersigned attorney.

Please charge any shortage in fees due in connection with the filing of this paper, including extension-of-time fees, to Deposit Account 502203 and please credit any excess fees to that deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



M. Todd Hales
Registration No. 60,472

18191 Von Karman Ave., Suite 500
Irvine, CA 92612-7108
Phone: 949.757.7126 MTH
Facsimile: 949.851.9348
Date: October 16, 2009

**Please recognize our Customer No. 31824
as our correspondence address.**